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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/801,441

03/07/2001

Raymond M. Broemmelsiek

C4-971A

7109

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04/22/2005

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EXAMINER

BUGG, GEORGE A

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,441

Applicant(s)

BROEMMELSIEK ET AL.

Examiner

George A Bugg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, and 13-23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,467,402 to Okuyama et al.

3. With regard to claim 1, Applicant claims **“displaying motion video data representative of the field of view of the motion video camera”**. Column 6, lines 32-39 clearly teach a traffic flow system, wherein the velocity of passing vehicles is calculated, and further that an image of the road, which shows moving vehicles (See Figure 7) is displayed on a monitor. Applicant further requires **“receiving indication of a control zone type”**. Figures 7, 14, and 15, a traffic flow system, security system, and inspection system respectively; each contains a display monitor 130. Each scenario will display an image of the control zone, or static area being monitored. In the first case a road, in the second case an entrance to a building, and in the third case a conveyor belt. Each of which will inherently provide visual data, or indicate, the type of control zone that is under surveillance. Lastly, claim 1 requires **“receiving information pertaining to the size of the control zone, within the FOV of the motion video**

camera". As seen in Figure 7d, and explained in column 6, lines 60-65, a measuring area g is determined, which corresponds to the area of road, or area of the FOV of the motion video camera which pertains to the moving objects of interest within the scene. Therefore, the size of the control zone is determined. **The additional limitations of claim 13 require a database of a plurality of control zone types, defining a control zone in a selected view of the FOV of the motion video camera, wherein the control zone is selected from the plurality of control zones stored in the database.** As previously stated Figures 7, 14, and 15, a traffic flow system, security system, and inspection system respectively; each contains a display monitor 130. Each scenario will display an image of the control zone, or static area being monitored. In the first case a road, in the second case an entrance to a building, and in the third case a conveyor belt. Each of which will inherently provide visual data, or indicate, the type of control zone that is under surveillance. Furthermore, the Okuyama reference teaches an image recognition system, and therefore inherently teaches that information be stored, in advance, to properly carry out the image recognition process. Moreover, stored control zones or images, would include images associated with Figures 7, 14, and 15, to properly carry out the image recognition process of each of the multiple embodiments disclosed by Okuyama. **The additional limitations of claim 16 requiring a readable memory and software for carrying out the claimed process** can be found in column 3, line 56 through column 4, line 15, wherein computer memory is used to store procedures for carrying out the method of displaying motion video, and image recognition.

4. As for claims 2, 14, and 17, Figure 7a-7d show a graphical representation of the control zone in association with the FOV and motion video data.

5. As for claims 3 and 18, the Okuyama reference teaches several different embodiments, including intrusion detection, which is shown in Figure 14, which would be considered an entry control zone, in addition secured areas can be considered privacy zones. The area selected in Figure 7d is a tracking zone, and anything outside the area shown in Figure 7d is a black-out and/or exclusion zone.

6. With regard to claims 4-6, 15, and 19-21, motion detection, object recognition, tracking, and ceasing tracking for objects outside the tracking zone are inherently taught by the Okuyama reference as seen in Figures 7a-7e and further explained in Column 7, line 43 through Column 7, line 39.

7. With regard to claims 7 and 22, the Okuyama reference teaches several different embodiments, including intrusion detection, which is shown in Figure 14, which would be considered an entry control zone, in addition, secured areas can be considered privacy zones. The area selected in Figure 7d is a tracking zone, and anything outside the area shown in Figure 7d is a black-out and/or exclusion zone.

8. As for claims 8 and 23, the area shown in Figure 7d is considered a tracking origination zone, as well as a tracking continuation zone, because objects will be tracked upon entering the area, and tracked as they pass through the area.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9-12 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,467,402.

11. With regard to claims 9 and 24, in the case of a privacy zone, it has been shown that secured areas, such as interior offices, can be considered privacy zones. It would have been obvious to one of ordinary skill in the art to only monitor movement in a secured area because detected motion would be indicative of intrusion, and tracking would not be necessary to verify an alarm event. (Official Notice)

12. As for claims 10 and 25, continuation of tracking across zones designated as exclusion zones, due to erroneous motion, such as rippling water, or rustling leaves, is an obvious embodiment because tracking an object outside of an origination zone may be necessary to positively identify the moving object in question, to verify whether or not a threat exists. (Official Notice)

13. As for claims 11 and 26, designating an entry zone as an origination zone as well as a continuation zone is an obvious embodiment. If tracking begins in an entry, then

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the entry zone is automatically an origination zone, if tracking begins in an origination zone outside the entry, and for instance, the object being tracked is a burglar, it would be beneficial for the entry to be designated as a continuation zone to continue tracking the burglar in case of unlawful entry. (Official Notice)

14. With regard to claims 12 and 27, since black-out zones are not necessarily areas of interest or concern, with regard to break-ins or unlawful entry, it would have been obvious to one of ordinary skill in the art not to monitor black-out zones for movement, or intrusion detection. (Official Notice)

Response to Arguments

15. Applicant's arguments filed 11/09/2004 have been fully considered but they are not persuasive. The Examiner maintains his rejection. Explanation to follow.

16. The Examiner is interpreting control zones to be a traffic area, such as road, a secured area, such as the entrance to a facility, and an inspection area, such as parts on a conveyor belt. Applicant asserts, that in light of the Specification, the Examiners interpretation is too broad, and unreasonable, with respect to what is known in the art. The Examiner must respectfully disagree, and point out that Applicant is reading limitations into the claims, in light of the Specification, which have not been presented for examination.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

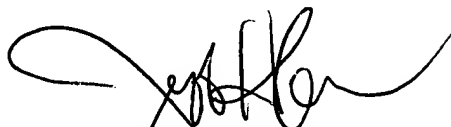
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A Bugg whose telephone number is (703) 305-2329. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg
Examiner
Art Unit 2613

April 4, 2005



JEFFERY HOFSAAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600